

Application No. 10/056,845
Amendment dated December 8, 2005
Reply to Office Action dated September 14, 2005

SUBSTANCE OF TELEPHONE INTERVIEW WITH EXAMINER

A telephone interview between Examiner Nguyen and Counsel for the Applicants, with the assistance of inventor David Schryer, was held on August 17, 2005. Following is a complete and proper recordation of the substance of the interview, in accordance with MPEP 713.04.

(A) Brief Description of the Nature of Any Exhibit Shown or Any Demonstration Conducted

A proposed draft second supplemental amendment was faxed to the Examiner prior to the interview.

(B) Identification of the Claims Discussed

Under the Final Office Action dated February 9, 2005, all 11 claims were rejected, therefore, essentially all of these claims were discussed, with specific emphasis being placed on independent Claim 1.

(C) Identification of Specific Prior Art Discussed

U.S. Patent 6,495,487 B1 (the "Bogdan reference") was the prior art discussed.

(D) Identification of the Principal Proposed Amendments of a Substantive Nature Discussed

The proposed amendments were set forth in a draft supplemental amendment which was submitted to the Examiner prior to the interview. Proposed amended Claim 1 was primarily discussed, and this amendment read:

1. A low-temperature oxidation-reduction catalyst comprising:
 - a noble metal selected from the group consisting of platinum, palladium, gold, silver and rhodium;
 - a mixed-metal oxide layer comprising:
 - a first metal oxide which possesses more than one stable oxidation state including at least tin oxide;
 - a second metal oxide including at least zirconium oxide;

Application No. 10/056,845
Amendment dated December 8, 2005
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a third metal oxide selected from the group consisting of cerium oxide, hafnium oxide, lanthanum oxide, and ruthenium oxide; and
said first, second and third metal oxide each being an active catalytic component of said mixed-metal oxide layer.

(E) A Brief Identification of the General Thrust of the Principal Arguments of the Applicant and the Examiner

The Applicants argued that the proposed claims fully distinguished from the Bogdan reference because the Bogdan reference does not disclose "the recited mixed-metal oxide layer comprising at least tin oxide, zirconium oxide and a third metal oxide selected from the group consisting of cerium oxide, hafnium oxide, lanthanum oxide, and ruthenium oxide, and wherein said first, second and third metal oxide each is an active catalytic component of said mixed-metal oxide layer. Unlike the present invention, the Bogdan catalyst does not use zirconia as an active component. Rather the Bogdan catalyst utilizes zirconia as a refractory inorganic oxide support" (please see the entered August 18, 2005 supplemental amendment for complete argument which had been initially presented in the draft supplemental amendment).

The Examiner did not argue against this interpretation, but rather indicated that another art search would be conducted.

(F) General Indication of Any Other Pertinent Matters Discussed

No other pertinent matters were discussed.

(G) General Results or Outcome of the Interview

The Examiner indicated that an updated search would be done.

(H) For Interviews via Electronic Mail, a Paper Copy of E-Mail Contents

As the interview was not conducted via electronic mail, no e-mail communication occurred.

Application No. 10/056,845
Amendment dated December 8, 2005
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REMARKS/ARGUMENTS

The Office Action dated September 14, 2005, has been reviewed in detail and the claims have been amended in the sincere effort to place the same in condition for allowance.

Applicant retains the right to pursue broader claims via a continuing application under 35 U.S.C. § 120.

Rejection Under 35 U.S.C. 112, second paragraph:

In the outstanding Office Action, Claims 1 and 3-11 were rejected by the Examiner under 35 U.S.C. 112, second paragraph. Specifically the Examiner stated that these claims were rejected as being

"...indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

"Regarding claim 1, line 5-7, the phrases 'including at least tin oxide' and 'including at least zirconium oxide' are unclear as to what other components are included other than tin oxide and zirconium oxide but not being listed in claim 1. The claim does not particularly point out what is being claimed, thus renders the claim vague and indefinite."

In response to this rejection, claim 1 has been amended herein to remove the terminology "including at least." Based on this, reconsideration and withdrawal of this rejection is respectfully requested.

Indication of Allowable Subject Matter:

In the outstanding Office Action the Examiner indicated that "Claims 4 & 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims."

In response thereto, Claim 1 has been rewritten to include the limitations of Claim 4, and Claim 4 has been cancelled.

Additionally, Claim 17 is newly presented herein. Claim 17 is merely allowable Claim 6 rewritten in independent form to include the limitations of its base claim, Claim 1. Because amended Claim 1 and newly present Claim 17 are allowable Claims 4 and 6 now rewritten in

Application No. 10/056,845
Amendment dated December 8, 2005
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independent form to include the limitations of their base claims (there were no intervening claims), therefore, Claims 1 and 17 should now be in condition for allowance, and the same is respectfully requested.

Newly Presented Claims 17-25:

Claims 17-25 are newly presented herein. As explained immediately above, independent Claim 17 contains the subject matter of Claim 6, rewritten in independent form, which claim the Examiner held to be allowable. For this reason Claim 17 is believed to be in condition for allowance. Claims 18-25 each depend from allowable Claim 17, therefore, by virtue of their dependence, Claims 18-25 are believed to also be in condition for allowance, and the same is respectfully requested.

Rejection Under 35 U.S.C. 103(a):

The Examiner has rejected Claims 1, 3, 5 and 7-11 under 35 U.S.C. 103(a) as being unpatentable over Blanchard et al., U.S. Patent No. 5,053,378.

In response thereto, Claim 1 has been amended to include the limitations of allowable Claim 4. Therefore Claim 1 is believed to be in condition for allowance. Because Claims 3, 5 and 7-11 depend from amended Claim 1, they too are now believed to be in condition for allowance by virtue of this dependence.

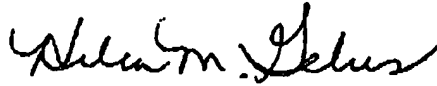
Based on the above, reconsideration and withdrawal of this rejection are respectfully requested.

Application No. 10/056,845
Amendment dated December 8, 2005
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CONCLUSION

It is submitted that the Applicants have submitted new and unique Stabilized Tin-Oxide-Based Oxidation/Reduction Catalysts. In view of the above, it is submitted that Claims 1, 3, 5-11, and 17-25 are in condition for allowance. Therefore, it is requested that a Notice of Allowance be issued at an early date.

Respectfully submitted,



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